

### **REMARKS/ARGUMENTS**

This communication is in response to the Restriction Requirement mailed August 24, 2006.

#### **Response to Restriction**

In the Restriction Requirement, the Examiner required restriction between the following three groups:

- **Group I**, Claims 1-23, 35, and 40, drawn to a bone fastener with two portions, one with a shaft and the other one with a hollow body;
- **Group II**, Claims 24-30 and 40, drawn to an assembly pivotally coupled at one end of the jaws; and
- **Group III**, Claims 31-34 and 40, drawn to an assembly with parts made of memory shape alloy.

In response to the restriction requirement, Applicants elect the invention of Group I (Claims 1-23, 35, and 40) drawn to a bone fastener with two portions, one with a shaft and the other one with a hollow body. Claims 24-34 are withdrawn without prejudice.

The Examiner has not made a disposition as to Claims 36-39. Applicants believe that Claim 36 is fairly within the scope of the elected invention. Accordingly, Claims 37-39 are withdrawn without prejudice.

The Examiner further required election between the following species:

1. Fastener with rotatable anchor;
2. Fastener with slotted sleeve and expanding parts;
3. Fastener with an anchoring portion with an inner hole;
4. Fastener assembly with a press fit assembly;
5. Fastener assembly with spikes;

6. Fastener assembly with a curved cylindrical body; and
7. Fastener with a cylindrical body, a shaft, and a head.

In response to the election requirement, Applicants elect Species 6, which includes Claims 22 and 23. Because this species election set forth is an election of *species*, and not an election of restricted invention, Claims 2-21 and 35 are herein withdrawn without prejudice. Nonetheless, once the generic Claim 1 and the elected species are deemed by the Examiner to be patentable over the prior art, Applicants are entitled to examination of the additional, non-elected species.

It is believed that no additional fees are due in connection with this communication. A Petition for Extension of Time is submitted herewith. The Commissioner is hereby authorized to charge the amount of \$510.00 to cover the extension fee to Deposit Account No. 04-1420.

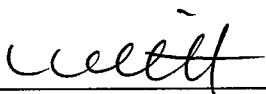
The Commissioner is also hereby authorized to charge any deficiency, or credit any overpayment to Deposit Account 04-1420.

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

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Date: 12/22/06

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